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U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT

Docket Number:
11411/11503

Application Number
10/799,028

Filing Date
March 11, 2004

Examiner
To be assigned

Art Unit
1761

Invention Title
**FOOD SUPPLEMENT FOR INCREASING LEAN MASS
AND STRENGTH**

Inventors
Paul T. Gardiner et al.

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Commissioner for Patents
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: June 25, 2004

Signature: [Signature]

Sir:

1. In accordance with the duty of disclosure under 37 C.F.R. § 1.56 and in conformance with the procedures of 35 U.S.C. §§ 1.97 and 1.98 and M.P.E.P. § 609, attorneys for Applicants hereby bring the following references to the attention of the Examiner. These references are listed on the attached modified PTO Form No. 1449. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.
2. Copies of each patent, publications or other information listed on the modified PTO Form 1449 are not enclosed since they were previously cited by or submitted to the United States Patent Office in prior application Serial No. 09/482,688 which is relied upon for an earlier filing date under 35 U.S.C. 120.

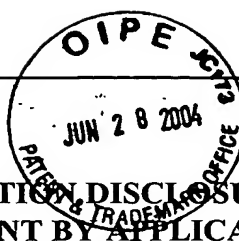
Dated: June 25, 2004

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT
PTO-1449**

DOCKET NO.
11411/11503

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APPLICANT
Paul T. Gardiner et al.

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GROUP
1761

U. S. PATENT DOCUMENTS

EXAMINER INITIAL	PATENT NUMBER	PATENT DATE	NAME	CLASS	SUBCLASS	FILING DATE
	5,902,829	May 1999	Schneider et al.			
	5,891,441	Apr. 1999	Diaz et al.			
	5,744,157	Apr 1998	Droge			
	5,324,656	Jun 1994	Ham et al.			
	5,124,360	Jun 1992	Larner et al.			
	4,710,387	Dec 1997	Uiterwaal et al.			
	6,051,236	Apr 2000	Portman			
	6,117,872	Sep 2000	Maxwell et al.			
	5,817,329	Oct. 1998	Gardiner			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	N O
	1201599	December 16, 1998	China			Abstract	
	60054321	March 28, 1985	Japan			Abstract	
	63109736	May 14, 1988	Japan			Abstract	
	63310827	December 19, 1988	Japan			Abstract	

OTHER DOCUMENTS

EXAMINER INITIAL	AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.	
	Burke, D.G., et al. The effect of whey protein supplementation and resistance training on body composition and strength. Med Sci Sports Exer. 32 (5): s330, May 2000.	
	Kalman, D.S. et al. A clinical evaluation of the safety of high protein intake over 28 days in healthy resistance trained men. ACSM, 2001.	
	Swain, M. et al. Effects if whey protein concentrate/isolate supplementation versus whey protein concentrate in weight-trained athletes: A double blind trial. American College of Nutrition conference, October 12-15, October 2000.	



EXAMINER INITIAL		AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.
		Agglind, C. et al., Effects of caffeine containint energy drinks, International Food Information Service (IFIS) Frankfurt/Main, Germany & Scandinavian Journal of Nutrition 43 (4) 169-175 1999 Sports Club, Stavgrand 16, 129 48 Hagersten, Sweden. Abstract
		Beltz, Susan Durden et al., Efficacy of nutritional supplements used by athletes, Biosciences Information Service, Philadelphia, Pennsylvania, 1993; & Clinical Pharmacy, vol. 12, no. 12, 1993, pp. 900-908. Abstract
		Williams, Melvin H., Nutritional ergogenics in athletics. Biosciences Information Service, Philadelphia, Pennsylvania, 1995; & Journal of Sports Sciences, vol. 13. No. Spec. Issue 1995, pp. S63-S74. Abstract
		Jablecki et al., '[3H] inositol incorporation into phosphatidyl-inositol in work-induced growth of rat muscle,' Am. J. Phisiol. (1977), 232(3), pp. E324-E329).
		Doi et al., Int. Congr. Ser. - Excerpta Med. (1982), 549 (Genet. Environ. Interact. Diabetes Millitus), pp. 306-312.
		Kim et al., 'Ginsenosides protect pulmonary vascular endothelium against free radical-induced injury,' Biochem. Biophys, Res. Commun. (1992), 189(2), pp. 670-676.
		Kolla et al., Izuch, Biol. Deistivya Prod. Org. Sint. Prir. Soedin (1976), pp. 116-121.
		"FDA displays premarket notifications for new ingredients, pinitol and DHA-rich oil," Food Chemical News (1998), Vol. 40, No. 7.

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	